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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|---------------------------|---------------------|------------------|
| 10/661,704 | 09/12/2003 | Christopher R. Reamsnyder | H0002683 | 8240 |
| 7590 | 07/22/2005 | | | EXAMINER |
| | | | HOPKINS, ROBERT A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1724 | |

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/661,704 | REAMSNYDER ET AL. | |
| | Examiner | Art Unit | |
| | Robert A. Hopkins | 1724 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 June 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-13 is/are allowed.
- 6) Claim(s) 17, 18 and 20-24 is/are rejected.
- 7) Claim(s) 19 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 17,18, 20,22-24 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Moscaritolo et al(6852216).

Moscaritolo et al teaches a fuel filter assembly comprising a base portion(3 in figure 1a) having an inlet and an outlet, a filter element(2) comprising filter media having an exterior surface defining a central cavity, a first end cap disposed on one end of the filter media, and a second end cap disposed on another end of the filter media, the first end cap(9) having an opening providing access to the central cavity and the second end cap having an opening providing access to the central cavity, the opening of the second end cap being fluidly sealed about the outlet(figure 1b) and the inlet being in fluid communication with the exterior surface, a housing(850) being removably secured to the base portion, and a restriction sensor(860) comprising a probe for insertion into the filter element(figure 19) through the first end cap, the probe providing an output indicative of a restriction of the fuel filter assembly, and a gauge(out of range condition mechanism; column 9 lines 50-51) operatively connected to the probe and disposed

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outside of the housing, the gauge being configured to provide a visual indication of the output of the probe. Moscaritolo et al further teaches wherein the base portion further comprises a threaded portion(figure 1b) configured to engage a threaded opening of the housing. Moscaritolo et al further teaches wherein the first end cap and second end cap are each formed from a flexible elastomeric material. Moscaritolo et al further teaches wherein the restriction sensor comprises an electronic pressure sensor. Moscaritolo et al further teaches wherein the restriction sensor is configured to display the pressure differential and the first pressure sensor and second pressure sensor are electronic pressure sensors that provide an output indicative of a restriction level of the filter assembly, wherein the output varies as the restriction level varies.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moscaritolo et al(6852216).

Moscaritolo et al teaches all of the limitations of claim 21 but is silent as to wherein the restriction sensor further comprises a threaded portion for threadingly engaging an opening in the housing. Moscaritolo et al teaches a sensor which is adapted to be snapped into the collar, however threaded connections between components are very well known, therefore it would have been obvious to someone of

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ordinary skill in the art at the time of the invention to substitute a threaded connection for a press fit connection so that the sensor can be easily inserted and removed from the housing.

Allowable Subject Matter

Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 19 recites “wherein the first end cap further comprises a raised collar disposed about the opening of the first end cap and the probe passes through an opening in the raised collar”. Moscaritolo et al fails to teach a raised collar disposed about the opening of the first end cap. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide a raised collar disposed about the opening of the first end cap because Moscaritolo et al does not suggest such a modification.

Claims 1-13 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 1 recites “said filter element having a raised collar with an opening formed therethrough”. Moscaritolo et al does not teach a filter element having a raised collar with an opening formed therethrough. The end cap has an opening for insertion of the restriction sensor, but not a raised collar. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to include a filter element having a

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raised collar with an opening formed therethrough because Moscaritolo et al does not suggest such a modification. Claims 2-5 depend on claim 1 and hence are also allowed.

Claim 6 is allowed for reasons given in the office action dated 3-25-05. Claims 7-10 depend on claim 6 and hence are also allowed.

Claim 11 recites "wherein the filter has an end cap with a raised collar having an opening formed therethrough". Moscaritolo et al does not teach a filter element having an end cap with a raised collar with an opening formed therethrough. The end cap has an opening for insertion of the restriction sensor, but not a raised collar. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to include a filter element having an end cap with a raised collar with an opening formed therethrough because Moscaritolo et al does not suggest such a modification. Claims 12 and 13 depend on claim 11 and hence are also allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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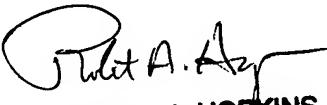
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Hopkins whose telephone number is 571-272-1159. The examiner can normally be reached on Monday-Friday, 7am-4pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rah
July 20, 2005


ROBERT A. HOPKINS
PRIMARY EXAMINER

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